BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the Commission's Own Motion into Competition for Local Exchange Service.	Rulemaking 95-04-043 (Filed April 26, 1995)
Order Instituting Investigation on the Commission's Own Motion into Competition for Local Exchange Service.	Investigation 95-04-044 (Filed April 26, 1995)

**ADMINISTRATIVE LAW JUDGE'S RULING
REQUESTING RESPONSES TO PETITION
TO MODIFY DECISION 02-08-067**

On August 7, 2003, Cox California Telecom, L.L.C. (Cox) filed a petition for modification of Decision (D.) 02-08-067. Cox requests that Rule 7 of Attachment B to that decision be deleted, or in the alternative, temporarily waived and a workshop held on implementation of the rule.[1] Cox represents that the rule presents extraordinary, unanticipated implementation problems.

The purpose of the Rule 7 is to allow the losing carrier 24 hours' notice of the disconnection of its SPCs so that it may take any actions it believes are

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[1] Rule 7 of Attachment B to D.02-08-067 provides that:

"When a tenant switches service from one utility to another, the new carrier shall not disconnect the previous carrier's SPCs until at least 24-hours after the previous carrier has been notified of the switch. Notice may be made by phone, or by any other means where such other means are available."

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necessary to protect its facilities. I understand that Verizon California Incorporated filed a response in support of the petition, but I have not received a copy. In addition, I have received no other responses regarding the petition. As a result, I have no way of telling whether other parties oppose or support the petition.

If the losing carrier has no need for the notification, or is informed of the disconnection in another manner, there is no reason to retain the rule. Likewise, Rule 9 may be unnecessary.[2] If the notification is needed, and there are serious implementation problems, the rules should be modified accordingly. I wish to hear from the parties on this matter.

Therefore, **IT IS RULED** that:

1. Parties shall file and serve responses to Cox California Telecom, L.L.C.'s petition to modify Decision 02-08-067 no later than November 17, 2003.

2. Replies to the responses shall be filed and served no later than December 1, 2003.

3. Any party who believes that hearings are necessary shall make the request for hearings in its response, identify the issues of fact, and state what facts it would present at the hearings.

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[2] Rule 9 of Attachment B to D.02-08-067 provides that:

"All carriers shall establish and make available to other carriers a phone number where notice of a customer's switch to another carrier can be made. The phone number shall be capable of receiving incoming calls 24 hours per day, seven days per week. The phone number may also be used for other purposes."

4. Any party who believes that briefs are necessary shall make the request for briefs in its response, and shall identify the issues it would address in the briefs.

5. Any party who does not file a response or reply shall be presumed to be indifferent to whether Rules 7 and 9 are modified or deleted.

Dated October 16, 2003, at San Francisco, California.

/s/ JEFFREY P. O'DONNELL
Jeffrey P. O'Donnell
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Requesting Responses to Petition to Modify Decision 02-08-067 on all parties of record in this proceeding or their attorneys of record.

Dated October 16, 2003, at San Francisco, California.

/s/   FANNIE SID
Fannie Sid

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.